REMARKS

Applicant respectfully requests reconsideration of this application. Applicant would like to thank the Examiner for the interview conducted on July 24, 2007, during which the claims added by this amendment were discussed in view of the cited prior art references. The Examiner indicated that the limitations in the added claims may distinguish the claims over the cited prior art, but that further consideration by him would be required. As such, no agreement was reached.

Office Action Rejections Summary

Claims 30-40 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claim 39 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite to failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7-9, 15-17, 23-25, 29, 34, 35, 39 and 40 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,987,514 of Rangarajan ("Rangarajan").

Claims 2, 10, 18, 26, 30-33, and 36-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rangarajan and U.S. Patent No. 5,619,656 of Graf ("Graf").

Status of Claims

Claims 1, 2, 7-10, 15-18, 23-26, 29 and 41-44 are pending in the application. Claim 39 has been amended to correct a typographical error. The amended claims are supported by the specification. Claims 30-40 have been canceled, without prejudice.

Claims 41-44 have been added. No new matter has been added. It is submitted that support for claims 41-44 may be found in the specification, for example, in paragraph [0066].

Claim Rejections

Claims 30-40 have been rejected under 35 U.S.C. 112. It is submitted that claims 30-40 have been canceled and, therefore, the rejection of claims 30-40 are now moot.

Claim 39 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite to failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is submitted that the amended to claim 39 overcomes the rejection.

Claims 1, 7-9, 15-17, 23-25, 29, 34, 35, 39 and 40 have been rejected under 35 U.S.C. 102(e) as being anticipated by Rangarajan. In particular, the Office Action states:

> As per claims 1, 9, 17, and 25, Rangarajan teaches a method, comprising:
> enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and (Rangarajan, col. 5, lines 39-56; col. 9, lines 19-58; fig. 2)
> enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated (Rangarajan, col. 5, lines 57-63; col. 9, lines 19-58; fig. 2).

(Office Action, 5/22/07, p. 4)

Although the Office Action has provided column and line number citations to Rangarajan, there is no analysis of how or why the claims are asserted to be anticipated by the disclosure of Rangarajan. Moreover, such is not self-evident by the disclosure of Rangarajan. In particular, since Rangarajan does not describe notification rules or preemption.

Although, applicants believe that the Office Action is unclear, applicants are herewith making a response as best as possible in an attempt to advance prosecution of this case. However, if the Examiner continues to advocate the unpatentability of any of

the claims in this application, then the Examiner is respectfully requested to provide an analysis of how he is reading the claim limitations onto the disclosure of Rangarajan.

It appears that the Office Action is attempting to interpret Rangarajan's disclosure of an event generation (step 208) as a "notification." It is respectfully submitted that such an interpretation is inapposite. Rangarajan discloses that when the console procedure 70 receives an event report 78, it *stores* the event report 78 for later display. (Rangarajan, col. 8, lines 35-38). It is submitted that the storing of an event report is not a notification to a person as recited by claim 1 of the present application, because the network administrator is not informed of and does not know of the event report. It is only when the network administrator accesses the system of Rangarajan and views the event report via the console procedure 70 that he becomes aware of it.

Rangarajan, itself, distinguishes between notification actions, in which active signaling occurs, and merely storage actions that do not constitute notification as would be understood by one of ordinary skill in the art. In its Background section, Rangarajan describes types of notification that are signaling actions such as sending an e-mail message to a network administrator that a workstation is down. (Rangarajan, Background, col. 1, lines 37-42). However, Rangarajan does not describe its own purported invention as providing such signal actions to network administrators. Rather, it appears that the system in Rangarajan **intentionally avoids generating notifications** (i.e., an action that would increase network traffic) in order to achieve an object of its purported invention to provide a system that minimizes network traffic. (Rangarajan, col., 2, lines 9-11). Moreover, Rangarajan's recognition that such signaling actions are available in prior art systems, in view of its corresponding lack of description that its own purported invention performs such signal actions, implicitly evidences that one of ordinary skill in the art would not be motivated to modify the system of Rangarajan to provide for notifications because such would be against the object of Rangarajan. Accordingly Rangarajan does not, at least, disclose, teach or suggest enabling a standard

notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy.

Therefore, it is submitted that claim 1 is patentable over Rangarajan. It is also submitted that claims 7-8 are patentable over Rangarajan because claims 7-8 depend from and, therefore, include the limitations of claim 1 noted above.

For reasons similar to those given above in regards to claim 1, it is submitted that claims 9, 15-17, 23-25, 29, 34, 35, 39 and 40 are also patentable over Rangarajan.

Claims 2, 10, 18, 26, 30-33, and 36-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rangarajan and Graf. Claim 2 depends from and, therefore, includes the limitations of claim 1. As noted above in regards to claim 1, it appears that the Office Action is attempting to interpret Rangarajan's disclosure of an event generation (step 208) as a "notification." It is respectfully submitted that such an interpretation is inapposite. Rangarajan discloses that when the console procedure 70 receives an event report 78, it *stores* the event report 78 for later display. (Rangarajan, col. 8, lines 35-38). It is submitted that the storing of an event report is not a notification to a person as recited by claim 1 of the present application, because the network administrator is not informed of and does not know of the event report. It is only when the network administrator access the system of Rangarajan and views the event report via the console procedure 70 that he becomes aware of it.

Rangarajan, itself, distinguishes between notification actions, in which active signaling occurs, and merely storage actions that do not constitute notification as would be understood by one of ordinary skill in the art. In its Background section, Rangarajan describes types of notification that are signaling actions such as sending an e-mail message to a network administrator that a workstation is down. (Rangarajan, Background, col. 1, lines 37-42). However, Rangarajan does not describe its own

purported invention as providing such signal actions to network administrators. Rather, it appears that the system in Rangarajan intentionally avoids generating notifications (i.e., an action that would increase network traffic) in order to achieve an object of its purported invention to provide a system that minimizes network traffic. (Rangarajan, col., 2, lines 9-11). Moreover, Rangarajan's recognition that such signaling actions are available in prior art systems and its corresponding lack of description that its own purported invention performs such signal actions implicitly evidences that one of ordinary skill in the art would not be motivated to modify the system of Rangarajan to provide for notifications because such would be against the object of Rangarajan. Thus, Rangarajan implicitly teaches away from a combination with a notification system such as provided by Graf. Accordingly, one of ordinary skill in the art would not combine the cited references in the manner purported by the Office Action to arrive at applicants' claim 2 limitations. It is respectfully submitted that the Office Action's purported conclusion for the combination is based on impermissible hindsight reasoning and contrary to the teachings of Rangarajan noted above. Therefore, it is submitted that claim 2 is patentable over the cited references.

For reasons similar to those given above in regards to claim 2, it is submitted that claims 10, 18, 26, 30-33, and 36-38 are also patentable over the combination of cited references.

New Claims

New claim 41 includes the limitation of "wherein the advanced notification rule is enabled to preempt the standard notification rule while continuing monitoring for the predetermined event." It is submitted that claim 41 is patentable over Rangarajan.

As noted above, applicants respectfully disagree with the Office Action's characterizations of Rangarajan, and are attempting, as best as possible, to interpret the Office Action's reading of Rangarajan to provide a response. Assuming, for the sake of

argument, that the network manager's stopping of additional events from being generated in response to an event report, as described in Rangarajan, is the same as the preemption of a standard notification rule, then such an interpretation also necessitates recognizing that the mid-level manager **stops polling, or monitoring of,** that attribute of the device for events. (Rangarajan, col. 5, lines 57-62).

In contrast to the teachings of Rangarajan, claim 41 includes the limitation of preempting a standard notification rule "while **continuing monitoring** for the predetermined event." Therefore, it is submitted that claim 41 is also patentable over Rangarajan for this additional reason.

For reasons similar to those given above in regards to claim 41, it is submitted that claims 42-44 are patentable over Rangarajan for this additional reason.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 7/31, 2007

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